

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

BENJAMIN ESPINOSA,
Plaintiff,
v.
CALVIN JOHNSON, *et al.*,
Defendants.

Case No. 2:23-cv-00125-GMN-BNW

ORDER

Before the Court is Plaintiff's Motion to Correct Doe Defendants (ECF No. 25), which the Court interprets as a motion for leave to file an amended complaint. *See* ECF No. 26. The Court directed Defendants that their opposition, if any, was due April 12, 2024. *Id.* No opposition has been filed. As such, pursuant to Local Rule 7-2(d), the Court grants Plaintiff's motion.

To help Plaintiff file a properly formatted complaint, the Court advises Plaintiff of the following requirements under the Federal Rules of Civil Procedure. Plaintiff is also advised that failure to comply with these rules when drafting and filing his amended complaint will result in a recommendation that this action be dismissed.

First, Plaintiff may amend his complaint to ***correct the names of the Doe Defendants only***. Plaintiff did not seek leave to amend his claims in any other way, so he must not add substance that is not set forth in his original complaint at ECF No. 10.

Second, and most importantly, Plaintiff's amended complaint must be complete in and of itself. Hhe is advised that an amended complaint supersedes the original complaint and, thus, the amended complaint must be complete by itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that "[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading supersedes the original").Plaintiff's amended complaint must contain all claims, defendants, and factual allegations that Plaintiff

wishes to pursue in this lawsuit. Moreover, Plaintiff must file his amended complaint on this Court's approved form, which the Clerk of Court will send Plaintiff.

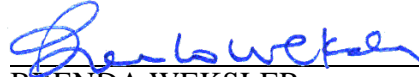
CONCLUSION

IT IS THEREFORE ORDERED that Plaintiff's Motion to Correct Doe Defendants (ECF No. 25) is GRANTED.

IT IS FURTHER ORDERED that the Clerk of Court shall mail Plaintiff a copy of the prisoner, pro se form complaint.

IT IS FURTHER ORDERED that Plaintiff must amend his complaint by May 20, 2024.

DATED this 18th day of April 2024.


BREND A WEKSLER
UNITED STATES MAGISTRATE JUDGE